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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,397	04/20/2004	Frederick Murray Burg	ATT-137AUS	4816

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BEDMINSTER, NJ 07921

EXAMINER
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HASHEM, LISA

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/828,397	<b>Applicant(s)</b> BURG, FREDERICK MURRAY	
	<b>Examiner</b> Lisa Hashem	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-20-04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 32 is objected to because of the following informalities: Claim 32 recites the limitation "the called network device". There is insufficient antecedent basis for this limitation in the claim.. Appropriate correction is required.
2. Claim 41 is objected to because of the following informalities: Claim 41 recites the limitation "the IVR sequence". There is insufficient antecedent basis for this limitation in the claim.. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-19 and claims 32-39 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Pat. No. 6,532,286 by Burg.

Regarding claim 1, Burg discloses a method of connecting a telephone call (Fig. 1, 100; col. 7, line 35 – col. 9, line 39), comprising:

receiving a message having caller information associated with a caller network device (Fig. 1, 116)

and called endpoint information associated with a called network device (Fig. 1, 118) (col. 8, lines 9-17; col. 9, lines 14-21);

sending a first alerting signal to the called network device in response to the called endpoint

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information;

detecting if a first connection signal is received from the called network device (col. 8, line 56 – col. 9, line 27);

sending a second alerting signal to the caller network device in response to the caller information;

detecting if a second connection signal is received from the caller network device; and  
connecting the called network device to the caller network device in response to the second connection signal (col. 10, line 35 – col. 11, line 37).

Regarding claim 2, the method of Claim 1, wherein Burg further discloses further including: establishing a session; and recalling saved caller information based upon the session (col. 10, line 35 – col. 11, line 37).

Regarding claim 3, the method of Claim 1, wherein Burg further discloses further including receiving a confirmation message indicating a successful connection to at least one of the called network device and the caller network device (col. 8, line 56 – col. 9, line 27; col. 10, lines 35-50).

Regarding claim 4, the method of Claim 1, wherein Burg further discloses the message further includes time information, and the sending the first alerting signal, the detecting if the first connection signal is received, the connecting to the called network device, the sending the second alerting signal, the detecting if the second connection signal is received, and the connecting the called network device to the caller network device are performed at a time identified in the time information (col. 9, lines 14-21).

Regarding claim 5, the method of Claim 1, wherein Burg further discloses the caller information includes at least one of a caller telephone number, a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 8, lines 9-17; col. 9, lines 14-21).

Regarding claim 6, the method of Claim 1, wherein Burg further discloses the called endpoint information includes at least one of a called telephone number, a called endpoint text description, a called endpoint E-mail address, a called endpoint network address (col. 8, lines 9-17).

Regarding claim 7, the method of Claim 1, wherein Burg further discloses further including decoding the called endpoint information to provide a called telephone number (col. 8, lines 9-17).

Regarding claim 8, the method of Claim 1, wherein Burg further discloses further including decoding the caller information to provide a caller telephone number (col. 8, lines 49-52).

Regarding claim 9, the method of Claim 1, wherein Burg further discloses further including retrieving a called telephone number associated with the called endpoint information (col. 8, lines 9-17).

Regarding claim 10, the method of Claim 1, wherein Burg further discloses the message includes at least one of an instant message and an E-mail (col. 8, line 49 – col. 9, line 26).

Regarding claim 11, the method of Claim 1, wherein Burg further discloses further including sending a voice message to the called network device in response to the first

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connection signal being received from the called network device (col. 8, line 56 – col. 9, line 27; col. 11 line 52 – col. 12, line 65).

Regarding claim 12, the method of Claim 1, wherein Burg further discloses further including sending a voice message to the caller network device in response to the second connection signal being received from the caller network device (col. 10, line 54 – col. 11, line 18).

Regarding claim 13, the method of Claim 1, wherein Burg further discloses further including:  
terminating the sending of the first alerting signal to the called network device in response to the first connection signal not being received from the called network device (col. 8, lines 18-21).

Regarding claim 14, the method of Claim 13, wherein Burg further discloses further including: retrying sending the first alerting signal to the called network device (col. 8, lines 18-55).

Regarding claim 15, the method of Claim 1, wherein Burg further discloses further including:  
terminating the sending of the second alerting signal to the caller network device in response to the second connection signal not being received from the caller network device (col. 11, line 26-37).

Regarding claim 16, the method of Claim 15, wherein Burg further discloses further including:  
retrying sending the second alerting signal to the caller network device (col. 11, line 26-43).

Regarding claim 17, the method of Claim 1, wherein Burg further discloses further including sending a voice message to the called network device in response to the second connection signal not being received from the caller network device and the first connection signal being received from the called network device (col. 11, lines 26-37; col. 11, line 53 –col. 13, line 67).

Regarding claim 18, the method of Claim 1, wherein Burg further discloses further including sending at least one of an instant message and an E-mail in response to the first connection signal not being received from the called network device (col. 8, line 27 – col. 9, line 27).

Regarding claim 19, the method of Claim 1, wherein Burg further discloses the caller network device is selected from a telephone and an Internet telephony device and the called network device is selected from a telephone and an Internet telephony device (col. 2, line 60 – col. 3, line 46).

Regarding claim 32, Burg discloses a system for connecting a telephone call (Fig. 1, 100; col. 7, line 35 – col. 9, line 39), comprising:  
a server (Fig. 1, 122; e.g. Internet Access Server) adapted to receive a message having caller information associated with a caller network device (Fig. 1, 116) and called endpoint information (e.g. telephone number) associated with a called network (Fig. 1, 118) and to connect the telephone call in accordance with the caller information and with the called endpoint information (col. 8, lines 9-17).

Regarding claim 33, the system of Claim 32, wherein Burg further including:  
a gateway (Fig. 1: 107, 109; e.g. TS (toll switch)) coupled to the server (Fig. 1, 122) and to a

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telephony network (Fig. 1, 106; e.g. PSTN) for providing communications from the server to the telephony network, wherein at least one of the gateway and the server (Fig. 1, 122) is adapted to send alerting signals to the called network device and to the caller network device, and at least one of the gateway and the server is further adapted to detect connection signals from the caller network device and from the called network device (col. 8, line 9 – col. 9, line 39).

Regarding claim 34, the system of Claim 33, wherein Burg further discloses the gateway is adapted to connect the server to one or more of the called network device and the caller network device (col. 3, lines 52-58), and the gateway is still further adapted to connect the called network device to the caller network device (col. 11, lines 3-12).

Regarding claim 35, the system of Claim 32, wherein Burg further discloses the caller information includes at least one of a caller telephone number, a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 3, lines 52-58; col. 8, lines 9-17).

Regarding claim 36, the system of Claim 32, wherein Burg further discloses the called endpoint information includes at least one of a called telephone number, a called endpoint text description, a called endpoint network address, a called endpoint E-mail address, and a called endpoint interactive voice response (IVR) sequence (col. 8, lines 9-17).

Regarding claim 37, the system of Claim 32, wherein Burg further discloses further including a decoder to decode the called endpoint information to provide a called telephone number (col. 8, lines 9-17).

Regarding claim 38, the system of Claim 32, wherein Burg further discloses further



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including a decoder to decode the caller information to provide a caller telephone number (col. 8, lines 49-52).

Regarding claim 39, the system of Claim 32, wherein Burg further discloses the message includes at least one of an instant message and an E-mail (col. 8, line 49 – col. 9, line 26).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg, in further view of U.S. Pat. No. 6,879,683 by Fain et al, hereinafter Fain.

Regarding claim 20, Burg discloses a method of connecting a telephone call (Fig. 1, 100; col. 7, line 35 – col. 9, line 39), comprising:

receiving a message having caller information associated with a caller network device (Fig. 1, 116)

and called endpoint information associated with a called network device (Fig. 1, 118) (col. 8, lines 9-17; col. 9, lines 14-21);

sending a first alerting signal to the called network device in response to the called endpoint information;

detecting if a first connection signal is received from the called network device (col. 8, line 56 – col. 9, line 27);

sending a second alerting signal to the caller network device in response to the caller

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information;

detecting if a second connection signal is received from the caller network device; and  
connecting the called network device to the caller network device in response to the second connection signal (col. 10, line 35 – col. 11, line 37).

Burg does not disclose the called network device is associated with a calling center.

Fain discloses a method for connecting a telephone call to a called network device (Fig. 1, 12), comprising:

a server (Fig. 1, 24; e.g. CBSP) adapted to receive a message having caller information associated with a caller network device (Fig. 1, 18) and to connect the telephone call in accordance with the caller information and with called endpoint information (col. 5, line 14 – col. 6, line 44).

Wherein Fain further discloses the called network device is associated with a calling center (col. 5, line 14 – col. 6, line 44).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Burg to include a calling center as a called party as taught by Fain. One of ordinary skill in the art would have been lead to make such a modification to allow a calling party or customer to place a call to a called party that is a calling center for a particular service, wherein a server tries to automatically establish a connection with the called party at a future time when the call can not go through to the calling center.

Regarding claim 21, the method of Claim 20, wherein Burg further discloses further including: establishing a session; and recalling saved caller information based upon the session (col. 10, line 35 – col. 11, line 37).

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Regarding claim 22, the method of Claim 20, wherein Burg further discloses the caller information includes at least one of a caller telephone number, a caller text description, a caller E-mail address, a caller login name, a caller network address, and a session identifier (col. 8, lines 9-17; col. 9, lines 14-21).

Regarding claim 23, the method of Claim 20, wherein Fain further discloses the calling center information includes at least one of a called telephone number, a calling center text description, a calling center E-mail address, and a calling center network address (col. 5, lines 14-23).

Regarding claim 24, the method of Claim 20, wherein Fain further discloses further including decoding the calling center information to provide a calling center telephone number (col. 5, lines 14-23).

Regarding claim 25, the method of Claim 20, wherein Burg further discloses further including decoding the caller information to provide a caller telephone number (col. 8, lines 49-52).

Regarding claim 26, the method of Claim 20, wherein Fain further discloses further including retrieving a calling center telephone number associated with the calling center information (col. 5, lines 14-23).

Regarding claim 27, the method of Claim 20, wherein Burg further discloses the message includes at least one of an instant message and an E-mail (col. 8, line 49 – col. 9, line 26).

Regarding claim 28, the method of Claim 20, wherein Fain further discloses the caller network device is selected from a telephone and an internet telephony device (Fig. 1, 18; col. 4,

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lines 1-9) and the calling center is adapted to couple to at least one of the public switched telephone network and a data network (Fig. 1, 14; col. 3, line 63 – col. 4, line 9).

Regarding claim 29, the method of Claim 20, further including:

sending at least a portion of the calling center information to the calling center;

receiving a calling center response having calling center knowledge in response to the portion of the calling center information; and

connecting the caller network device to the calling center in response to the caller information and to the calling center knowledge (col. 4, lines 36-51; col. 5, line 14 – col. 6, line 44).

Regarding claim 30, the method of Claim 29, wherein Fain further discloses the portion of the calling center information includes an interactive voice response system (IVR) sequence associated with an interactive voice response system (IVR) (Fig. 1, 30) (col. 5, line 14 – col. 6, line 67).

Regarding claim 31, the method of Claim 29, wherein Fain further discloses the calling center knowledge includes at least one of a calling center expected response time and a calling center queue value (col. 5, line 60 – col. 6, line 67).

7. Claims 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg, as applied to claims 32, and in further view of Fain.

Regarding claim 40, the system of Claim 32, wherein Burg does not disclose the called network device is associated with a calling center.

Fain discloses a system for connecting a telephone call to a called network device (Fig. 1, 12), comprising:

a server (Fig. 1, 24; e.g. CBSP) adapted to receive a message having caller information

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associated with a caller network device (Fig. 1, 18) and to connect the telephone call in accordance with the caller information and with called endpoint information (col. 5, line 14 – col. 6, line 44).

Wherein Fain further discloses the called network device is associated with a calling center (col. 5, line 14 – col. 6, line 44).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Burg to include a calling center as a called party as taught by Fain. One of ordinary skill in the art would have been lead to make such a modification to allow a calling party or customer to place a call to a called party that is a calling center for a particular service, wherein a server tries to automatically establish a connection with the called party at a future time when the call can not go through to the calling center.

Regarding claim 41, the system of Claim 40, wherein Fain further discloses the calling center includes an interactive voice response (IVR) system (Fig. 1, 30) and the server is further adapted to communicate the IVR sequence to the calling center (col. 5, line 14 – col. 6, line 67).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

9. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

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**Or call:**

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh  
April 2, 2007

Olisa Anwarh